Effective 5/10/2016
20A-3-309 Absentee ballots and provisional ballots in the custody of the election officer -- Disposition -- Counting -- Release of number of absentee ballots cast.
(1) The election officer shall deliver all envelopes containing valid absentee ballots and valid provisional ballots that are in the election officer's custody to the place of the official canvass of the election by noon on the day of the official canvass following the election.
(2)
  (a) Valid absentee ballots and valid provisional ballots may be processed and counted:
    (i) by the election officer before the date of the canvass; and
    (ii) at the canvass, by the election officer or poll workers, acting under the supervision of the official canvassers of the election.
  (b) When processing ballots, the election officer and poll workers shall comply with the procedures and requirements of Section 20A-3-308 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing them in a ballot box.
(3)
  (a) After all valid absentee ballots and valid provisional ballots have been deposited, the ballots shall be counted in the usual manner.
  (b) After the polls close on the date of the election, the election officer shall publicly release the results of those absentee ballots and provisional ballots that have been counted on or before the date of the election.
  (c) Except as provided in Subsection (3)(d), on each day, beginning on the day after the date of the election and ending on the day before the date of the canvass, the election officer shall publicly release the results of all absentee ballots and provisional ballots counted on that day.
  (d)
    (i) If complying with Subsection (3)(c) on a particular day will likely result in disclosing a vote cast by an individual voter, the election officer shall request permission from the lieutenant governor to delay compliance for the minimum number of days necessary to protect against disclosure of the voter's vote.
    (ii) The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's vote.
  (e) On the date of the canvass, the election officer shall provide a tally of all absentee ballots and provisional ballots counted, and the resulting tally shall be added to the official canvass of the election.
(4)
  (a) On the day after the date of the election, the election officer shall determine the number of absentee ballots received by the election officer at that time and shall make that number available to the public.
  (b) The election officer may elect to publicly release updated totals for the number of absentee ballots received by the election officer up through the date of the canvass.

Amended by Chapter 37, 2016 General Session